

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JAMES E. ZALEWSKI and DRAFTICS, LTD.,

Plaintiffs,

vs.

T.P. BUILDERS, INC. et al.,

Defendants

Civil Action No.  
1:10-cv-876 (GLS/RFT)  
(Lead Case)

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JAMES E. ZALEWSKI and DRAFTICS, LTD.,

Plaintiffs,

vs.

CICERO BUILDER DEV., INC. et al.,

Defendants

Civil Action No.  
1:11-cv-1156 (GLS/RFT)  
(Companion Case)

**Declaration of James E. Zalewski**

I, James E. Zalewski, depose and say under penalty of perjury as follows:

1. I am a Plaintiff in this action, and am the President and sole employee of co-Plaintiff Draftics, Ltd. I am fully familiar with the facts and circumstances set forth herein, and make this Declaration in opposition Defendants' motions for attorney's fees.

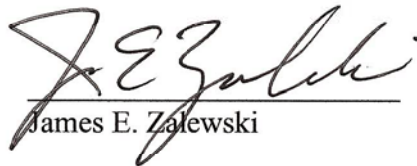
2. I have read Defendant DeRaven's Memorandum of Law (Dkt. 197). On page 10 of the memo, DeRaven accuses me of improper motivations in this law suit. DeRaven speculates that I "[faced] a significant debt that [I] may have had difficulty paying," and that I commenced this action with the "motivation of extracting settlement from a large number of parties" so I could pay that debt. Those statements and the insinuations on page 10 of the memo about debt,

financial difficulty and motivations are false. I am motivated solely to enforce my copyrights in this action.

3. Page 10 and 11 of DeRaven's memo quotes my former attorney as if to say that I wanted to sue many people regardless of merit. I relied entirely on my former attorney's counsel with regard to who were the proper parties. I never wanted to name anyone that was not legitimately liable for my damages.

4. I declare under penalty of perjury that the foregoing is true and correct, except as to matters alleged on information and belief, and that as to those matters I believe them to be true, and I make this Declaration pursuant to the Federal Rules of Civil Procedure and with the knowledge that any knowingly false statement made herein by me is punishable under the penalty of perjury, fine and/or imprisonment.

Dated: August 20, 2012



James E. Zalewski

**CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF), including:

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And, I hereby certify that I have mailed by the United States Postal Service the document to the following non-CM/ECF Participants:

**NONE**

Dated: August 20, 2012

/s/Lee Palmateer  
Lee Palmateer